HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION No. 13100 OF 2005

Dated 03-10-2005

Between:

1. The director of Women's Development and Child Welfare, A.P., Hyderabad and others.

…….Petitioners.

And:

Perla Narasimha Rao, son of Kotaiah, aged 72 years, resident of Vijayawada, Krishna District.

…….Respondent.

ORDER : (Per the Honourable Smt. Justice T.Meena Kumari)

This writ petition has been filed by the writ petitioners against the order passed in O.A. No.1897 of 2003, dated 16-03-2005 by the A. P. Administrative Tribunal, Hyderabad.

The writ petitioners are the respondents and the respondent herein is the applicant before the tribunal. The parties will be referred to as arrayed in the main O.A. before the Tribunal for the sake of convenience.

Originally, the applicant filed an application before the Administrative Tribunal in O.A. 1897 of 2003 under section 19 of the Administrative Tribunals Act, 1985 seeking to direct the respondents to regularize the period of suspension and the period between transfer and death of his wife by name late V. Rathnavathi, who

died, while working as CDPO, Giddaluru, Prakasam District and pay the salary for the period from 05-04-2000 to 14-07-2000 and 01-12-2000 to 01-08-2001, and also sanction and pay the gratuity and pension as per her entitlement, to him, forthwith. The tribunal after hearing rival contentions and having observed that the applicant can be driven to approach the Civil Court for obtaining a succession certificate provided there are any rival claimants, and since no other person has claimed the service benefits of his wife by making a representation, allowed the O.A. directing the 3rd respondent to immediately release the pensionary benefits including the salary for the suspension period which has been regulated and all other allied service benefits in accordance with law. Aggrieved by the same, the present writ petition has been preferred by the respondents.

Heard both sides. We have perused the material available on record.

It is contended by the learned G.P. for services II appearing on behalf of the respondents that there is variation as to the name of the husband of the deceased in the proceedings from time to time and the said variations in the name of the husband of the deceased are: 1) P. Venkataiah, 2) P. Narasimha Rao, 3) Perla Narasimha Rao, 4) Chintala Rami Reddy and 5) Narasimha Reddy. It is also further contended by the learned G.P. that in view of the above variation, the direction given by the Tribunal with regard to the payment of the amounts to the sole applicant is contrary to the material available on record and the rules and as such, it is just and proper to direct the applicant to produce the succession certificate obtained from a competent authority.

On the other hand, while opposing the contentions raised by the learned G.P., it is contended by the learned counsel for the applicant that the applicant is the sole legal heir to the deceased wife and therefore, he is entitled to the estate of the deceased employee, and therefore, there is no need of obtaining succession certificate.

In the present facts and circumstances of the case and in view of the objection raised by the respondents as to the variation in the name of the husband of the deceased wife, without expressing any opinion on the merits of the case, We deem it appropriate to modify the order of the tribunal to the extent as indicated hereunder:

"the payment of the amounts entitled to be paid to the applicant, shall be made as expeditiously as possible subject to the condition that the applicant shall produce the succession certificate obtained from a competent authority."

Accordingly, the order of the tribunal is modified.

Subject to the above modification, the present writ petition is disposed of. No costs.

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Justice T. MEENA KUMARI

Date : 03-10-2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

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HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION No. 13100 OF 2005

(Order delivered by the Honourable Smt. Justice T.Meena Kumari)

Dated 03-10-2005